

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|------------------------------------|---|------------------------------|
| RICHARD WAYNE WRIGHT, SR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:05cv439-A |
| |) | |
| SYLVESTER NETTLES, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

On November 30, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED as follows:

1. That the Recommendation be and is hereby ADOPTED;
2. That the plaintiff's claims against Walton Solomon be and are hereby DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i);
3. That the plaintiff's claims against Dr. Hammer, Dr. Smith, Mrs. Biven-Tutt, Keith Armagost, Timothy Holmes and Carolyn Miles-Pruitt be and are hereby DISMISSED without prejudice for lack of service in accordance with the provisions of Rule 4(m), *Federal Rules of Civil Procedure*.
4. That the plaintiff's remaining claims for relief be and are hereby REFERRED

back to the Magistrate Judge for further proceedings.

Done this the 4th day of January 2006.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE